



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,037	05/10/2001	Benjamin D. Kimbell	10007412-1	8167

7590 12/08/2003  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

LEWIS, ADAM M

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/854,037

Applicant(s)

KIMBELL ET AL.

Examiner

Adam M. Lewis

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-11, 14, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldberg et al. ("Goldberg", US# 5,963,203).

As per claim 1, Goldberg teaches a method for viewing images via an information handling system utilizing a graphical user interface having a desktop, the method comprising:

displaying a plurality of images (Goldberg, Figs. 4-5; col. 10, lines 4-8);

arranging said plurality of images into a picture stack comprising a top and bottom (Goldberg, Figs. 4-5; col. 10, lines 4-8);

and placing said picture stack directly on the desktop of the graphical user interface, wherein said top image of said picture stack is displayed (Goldberg, Fig. 4).

Independent claim 13 is similar in scope to claim 1, and is therefore rejected under similar rationale.

As per claim 2, which is dependent on claim 1, Goldberg teaches the method of claim 1, wherein said plurality of images are photographic images (Goldberg, col. 10, lines 5-8).

As per claim 3, which is dependent on claim 1, Goldberg teaches the method of claim 1, wherein said placing comprises offsetting said plurality of images from one another (Goldberg, Figs. 4-5; col. 10, lines 4-10).

As per claim 4, which is dependent on claim 1, Goldberg teaches the method of claim 1, wherein said plurality of images are substantially the same size as one another (Goldberg, Figs. 4-5; col. 10, lines 4-10). The reference to a parallelepiped indicates the scale of each image is substantially the same.

As per claim 5, which is dependent on claim 1, Goldberg teaches the method of claim 1, further comprising:

receiving a mousedown event within the picture stack (Goldberg, col. 10, lines 21-26); and

responding to said mousedown event (Goldberg, col. 10, lines 21-26).

Dependent claim 14 is similar in scope to claim 5, and is therefore rejected under similar rationale.

As per claim 7, which is dependent on claim 1, Goldberg teaches the method of claim 1, wherein audio data is associated with said top image, further comprising playing said audio data when said top image is displayed (Goldberg, col. 13, lines 10-14).

Dependent claim 16 is similar in scope to claim 7, and is therefore rejected under similar rationale.

As per claim 8, which is dependent on claim 1, Goldberg teaches the method of claim 1, further comprising displaying on the desktop at least one control separate from said picture stack (Goldberg, col. 13, lines 66-67 and col. 14, lines 1-6).

Dependent claim 17 is similar in scope to claim 8, and is therefore rejected under similar rationale.

As per claim 9, which is dependent on claim 8, Goldberg teaches the method of claim 8, wherein said displaying comprises displaying a toolbar (Goldberg, col. 13, lines 66-67 and col. 14, lines 1-6).

As per claim 10, which is dependent on claim 8, Goldberg teaches the method of claim 8, further comprising receiving the selection of a control on is said toolbar (Goldberg, col. 13, lines 66-67 and col. 14, lines 1-6).

Dependent claim 18 is similar in scope to claim 10, and is therefore rejected under similar rationale.

As per claim 11, which is dependent on claim 1, Goldberg teaches the method of claim 1, wherein at least one of said plurality of images comprises a border (Goldberg, Figs. 4-5).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Bullock et al. ("Bullock", US# 5,675,358).

As per claim 6, which is dependent on claim 5, Goldberg fails to teach the method of claim 5, wherein a second image is positioned behind said top image; and wherein said responding comprises:

moving said top image to said bottom of said picture stack; and

moving said second image to said top of said picture stack.

Bullock teaches a digital image capture control system in which the user can create picture stacks. An additional feature of the picture stack system is the ability to flip through a given picture stack in the same manner as a user would with a physical picture stack (Bullock, col. 8, lines 8-15).

It would have been obvious to one skilled in the art at the time of invention to use the picture stack flipping feature of Bullock in the frame stack system of Goldberg because it provide the user a fast way to view a series of images in a familiar fashion.

Dependent claim 15 is similar in scope to claim 6, and is therefore rejected under similar rationale.

As per independent claim 12, Goldberg teaches a method for viewing images via an information handling system utilizing a graphical user interface having a desktop, the method comprising:

displaying a plurality of images (Goldberg, Figs. 4-5; col. 10, lines 4-10);

arranging said plurality of images into a picture stack comprising a top and bottom, at least one of said images comprising a border, wherein a second image is positioned behind said top image (Goldberg, Figs. 4-5; col. 10, lines 4-10); and

placing said picture stack directly on the desktop of the graphical user interface, wherein said top image of said picture stack is displayed (Goldberg, Figs. 4-5; col. 10, lines 4-10);

receiving a mousedown event within the picture stack (Goldberg, Figs. 4-5; col. 10, lines 4-10).

Goldberg fails to teach moving said top image to said bottom of said picture stack; and moving said second image to said top of said picture stack.

Bullock teaches a digital image capture control system in which the user can create picture stacks. An additional feature of the picture stack system is the ability to flip through a given picture stack in the same manner as a user would with a physical picture stack (Bullock, col. 8, lines 8-15).

It would have been obvious to one skilled in the art at the time of invention to use the picture stack flipping feature of Bullock in the frame stack system of Goldberg because it provide the user a fast way to view a series of images in a familiar fashion.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Curry (US# 5,208,903) teaches a video image display for predicting color hardcopy image quality.

Broemmelsiek (US# 5,574,839) teaches an interactive apparatus and method with viewer position compensation.

Bender et al. (US# 5,657,402) teaches a method of creating a high resolution still image using a plurality of images and apparatus for practice of the method.

Bullock et al. (US# 5,943,050) teaches a digital image capture control system.

Bullock et al. (US# 6,025,827) teaches a digital image capture control system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Lewis whose telephone number is 703-305-0720. The examiner can normally be reached on M-Th 7:00-4:30, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

al

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100